

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TONYA ROBERTSON,

Plaintiff,

v.

Civil Action No. 1:19-CV-221
(Judge Kleeh)

ANDREW M. SAUL, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 16], GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [DKT. NO. 14], DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [DKT. NO. 11] AND
DISMISSING THIS MATTER WITH PREJUDICE

Pursuant to 28 U.S.C. §636(b)(1)(B), Fed. R. Civ. P. 72(b) and Local Court Rule 4.01(d), the Court referred this Social Security action to United States Magistrate James P. Mazzone with directions to submit proposed findings of fact and a recommendation for disposition.

On October 26, 2020, Magistrate Judge Mazzone filed his Report and Recommendation ("R&R"), and directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Fed. R. Civ. P. 6(e), to file any written objections with the Clerk of Court within fourteen (14) days after being served with a copy of the R&R [Dkt No. 16]. He further advised the parties that failure to file objections would result in a waiver of the right to appeal from the judgment of this Court [Id. at 16]. The parties did not file objections.

Upon consideration of Magistrate Mazzone's recommendation and having received no written objections,¹ the Court accepts the R&R in its entirety and finds that the Administrative Law Judge's decision, concluding that Plaintiff was not disabled within the meaning of the Social Security Act, is supported by substantial evidence. Accordingly, the Court

- 1) **GRANTS** the Commissioner's motion for summary judgment [Dkt. No. 14];
 - 2) **DENIES** the Plaintiff's motion for summary judgment [Dkt. No. 11]; and
 - 3) **DISMISSES** the Complaint [Dkt. No. 1] and this civil action **WITH PREJUDICE**; and
 - 4) **ORDERS** this matter stricken from the docket of this Court.
- It is so **ORDERED**.

Pursuant to Fed.R.Civ. P. 58, the Court **DIRECTS** the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: March 5, 2021

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE

¹Robertson's failure to object to the Report and Recommendation not only waives her appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-53 (1985).